



THE RESPONDER

TEXAS GENERAL LAND OFFICE • JERRY PATTERSON, COMMISSIONER

OIL SPILL PREVENTION AND RESPONSE PROGRAM • MARCH 2011



Oil Spill Prevention and Response Program Celebrates 20 Years

Remember the *Exxon Valdez* spill in Alaska? Remember the Tank Vessel *Mega Borg* and *Apex Barge* spills in Texas? Don't worry if you don't because they happened over 20 years ago. Each of these significant oil spills contributed to events that led the 72nd Texas Legislature to pass the Oil Spill Prevention and Response Act of 1991 (OSPRA), which then Governor Ann Richards signed on March 28th of that year.

The *Valdez*, *Mega Borg* and *Apex* incidents collectively revealed fundamental weaknesses in oil spill preparedness and response at both the state and federal levels. In Texas, there was no single state agency with clear authority or "lead agency" designation, and when agencies did respond they often competed with one another to assume control. Without a clear statutorily based lead agency the U.S. Coast Guard or the Environmental Protection Agency were often left to protect Texas' economic and environmental interests. This was an unacceptable arrangement for both policy makers and the general public—Texas needed a strong oil spill prevention and response capability.

Since the Texas General Land Office is responsible for all oil and gas leasing on state-owned coastal submerged land, and is the principal steward of the state's beaches, it was considered the logical place to build a first-rate independent state spill response



Gov. Ann Richards signs legislation creating the Oil Spill Prevention and Response Act. Then Texas Land Commissioner Garry Mauro is second from the left.

organization. Garry Mauro, the Texas Land Commissioner at the time, worked closely with industry, environmental groups and local governments to craft a comprehensive bill that designated the Land Office as the lead state agency. State Representative Hugo Berlanga and State Senator Carl Parker ushered the bill through

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Aggie Junction Spill

On November 2 the Texas General Land Office Oil Spill Program's La Porte Field Office received a report of a spill off highway 1405 one mile south of Highway 99 in Baytown. When Advanced Response Officer Robert Hadley arrived, the Baytown Fire Department was already at the scene, investigating what was thought to



A Garner Environmental employee closely monitors vacuum truck operations in Cedar Bayou.

be illegal dumping of oil into a drainage ditch leading to Cedar Bayou. The investigation revealed that a storage tank overfilled due to power outages from overnight thunderstorms at the Aggie Junction facility of ERG Resources LLC.



Responders from Garner Environmental navigate rocky shorelines to clean up Cedar Bayou after a tank failure.

Approximately 50 barrels of oil were spilled with 5 barrels of oil reaching coastal water. The spill was cleaned up by personnel from Garner Environmental and ERG Resources. Other agencies involved were the U.S. Coast Guard and the Railroad Commission of Texas. The spill had minimal impact on natural resources and the surrounding area.

EDUCATE ♦ PREVENT ♦ RESPOND

OSPRA Celebrates 20 Years

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the Legislature. When Governor Richards signed the bill it was the first major piece of legislation to pass the 72nd Legislature.

Unlike most pieces of legislation, which have a typical 90-day implementation period, OSPRA was effective immediately. Overnight, the Land Office was in the oil spill response business without staff, vehicles, response boats, regulations or field offices. Over the coming months, however, regulations were authored and adopted, staff members were hired, field offices in Nederland, La Porte, Port Lavaca, Corpus Christi and Brownsville were opened and vehicles and spill response equipment were acquired. Today, 54 dedicated men and women are on call 24/7 to protect Texas' economic and environmental interests.

In the 20-year history of the program, personnel have responded to many notable spills along the Texas Coast: *Buffalo 292*, the San

Jacinto River Pipeline Spills, the Corpus Christi 2006 Inner Harbor Spill, *T/V Red Seagull*, *T/V Berge Banker*, Chiltipin Creek Pipeline, DBL 152, *T/V Torm Mary*, *T/V New Amity* and the most recent, *T/V Eagle Otome*. The staff has also traveled outside Texas to lend support and expertise in other states, including last year's Deepwater Horizon event. Today's team is one of the most experienced group of responders anywhere in the United States.

Throughout the years, the wisdom of creating a dedicated team of state agency responders and investigators has been affirmed time and time again. And because of the early vision of Commissioner Mauro, the continued support of Land Commissioner David Dewhurst, and the current support of Land Commissioner Jerry Patterson, the spill response team at the General Land Office looks forward to protecting the Texas coast for another 20 years.

GLO Transfers Response Trailer to PIND

Recently, the Texas General Land Office transferred a response trailer to Port Isabel/San Benito Navigation District (PIND). The trailer is equipped with 1,500 feet of boom, various types of sorbents, buoys and anchoring systems.

Following the removal of 35 fishing vessels, 30,000 gallons of waste oil and fuel from the vessels, and the construction of the Port Isabel Logistical Terminal, the response trailer will serve as an excellent prevention tool for the Port Isabel Ship Channel, Shrimp Basin, and surrounding sensitive areas. The response trailer was staged in Port Isabel in January and has already been placed on standby for an incident. During the *Dredge Texas* incident the inbound dredge ran aground on the South Jetty at the Brazos San-

tiago pass during gale force winds. A fuel tank containing 32,500 gallons was breached. Fortunately, the crew of the *Dredge Texas* was able to transfer 31,000 gallons into an adjacent tank, thus avoiding a major spill and the need for the response trailer.

With the success of the Port Isabel Bilge Reclamation System—which collects bilge oil from area vessels—and now the response trailer positioned near the Port Isabel Ship Channel, surrounding sensitive areas will be well protected for years to come.

The response trailer is staged at the PIND warehouse and can be rapidly accessed. Bob Cornelison of the PIND and representatives from the Land Office's Brownsville Field Office are to be commended for making this prevention project happen.

Reporting an Unauthorized Discharge Rule §19.32

Texas Administrative Code Title 31 - Part 1 - Chapter 19 - Subchapter C - Rule §19.32 is guidance on reporting an unauthorized discharge. This article will focus on Rule §19.32 (a), (b), and (C).

(a) To report an actual or threatened unauthorized discharge, phone the General Land Office (GLO) at 1-800-832-8224. This line will be staffed at all times.

Our 1-800 number is monitored by ChemTel, Inc., a 24-7-365 emergency response communication call center with personnel trained to receive and disseminate your initial spill notification. Typically, these notification calls take less than 15 minutes and are an extremely important first contact to the regulatory community.

(b) The person in charge of the facility

or vessel from which an unauthorized discharge emanates or threatens to emanate and the person responsible for the discharge both have the duty to immediately report the discharge to the GLO. Reporting by either of those persons or by an employee or agent of either shall satisfy the notice requirement.

The two most used explanations for failure to notify are: "I thought someone else made the notification" and "We were too busy trying to contain the spill."

(c) Immediately, for purposes of this section, means within one hour of the time the discharge is discovered. In determining immediate notification the GLO will consider the need for initial abatement, containment, and response actions, the accessibility of communication devices and the reasonableness of the person's

efforts to immediately report, and whether the discharge could reasonably have been discovered earlier.

Notification as a rule should be made within one hour. Should this not occur, it will be discussed during our investigation and documented in the spill report to be reviewed by our spill case review team. Failure to immediately notify the GLO of the unauthorized discharge is a separate violation and will result in an additional penalty of \$500. In fact, late notification is the second most often cited violation. The review team will determine whether the late notification violation is appropriate based on a number of factors, including a review of the circumstances and mitigating factors regarding the time, size, and environmental impacts of the spill.

Cleaning Up Chocolate Bayou



Aquatic and Environmental Science students from Alvin ISD after a long day of presentations and debris removal.

On November 18, 20 students from Alvin ISD's ASSETS Academy descended upon Chocolate Bayou in Brazoria County. The students—from Katy Garza's Environmental and Aquatic Science classes—heard speakers from many agencies and organizations before departing by boat to clean debris from a section of Brazoria National Wildlife Refuge.

The three main goals of the field day were for the students to learn about jobs involving the environment in their county, to look at sunken vessels the students will try to raise money to remove, and to conduct a community service project benefiting their local environment. Speakers included Jeff Mink, Brazoria County Sheriff's Office; Kyle Copeland, Garner Environmental Services; Jo-

seph Byrne and Andrew Garcia, U.S. Coast Guard Marine Safety Unit Texas City; Lee Gaston Jr., Brazoria National Wildlife Refuge; Greg Ruff, Texas Commission for Environmental Quality; Robert Waggett, Texas Parks and Wildlife Department; Maren Harding, Texas General Land Office Oil Spill Program; and Captain Jim Urban, Tempest Marine Services.

After a quick lunch provided by Garner Environmental Services, students boarded vessels and set out on Chocolate Bayou to survey five derelict fishing vessels and clean a quarter mile of shoreline along the refuge. The highlight of the day was a ride in an airboat, which was used to ferry students and trash on and off refuge lands due to extremely shallow water conditions. By the end of the day, the students had removed 15 bags of trash from Brazoria National Wildlife Refuge and Chocolate Bayou.



A flotilla of Alvin ISD students heads out to clean debris from the banks of Chocolate Bayou.

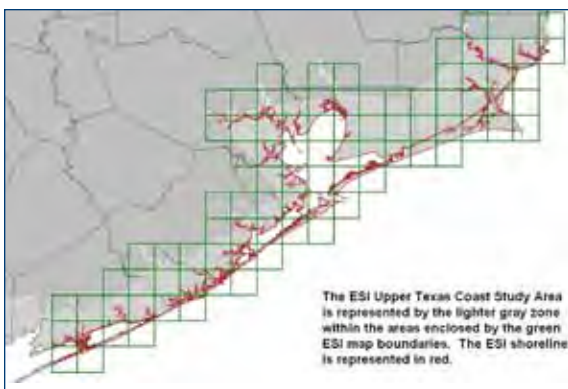
Research & Development Project: Biological Inventory and Gap Analysis for the Upper Texas Coast

Many of our readers are familiar with the Texas General Land Office Oil Spill Program's Environmental Sensitivity Index (ESI) maps found on the Texas Coastal Oil Spill Planning & Response DVD Toolkit. They may not be aware that the Land Office began funding projects to update these maps starting in September 2009. This process involves simultaneous efforts that will span several years and culminate in new ESI maps for the Texas coast. One of these efforts is the Biological Inventory and Gap Analysis for the Upper Texas Coast (UTC) being led by Dr. M. Clay Green of Texas State University's Department of Biology in San Marcos. This project is being led by Green while he's on a one-year deployment to Afghanistan as a Commander in the U.S. Navy. He's directing his very capable graduate students and student workers via e-mail and

video conferencing while serving his country.

The biological data found on the Texas ESI maps detail the location and abundance of biological resources such as birds, oysters and fish along our coast. Spill responders and contingency planners depend on these maps to make decisions that protect these vulnerable resources. Decisions of this importance require timely and accurate information. To improve the next generation of Texas ESI maps, Green's team will locate the latest available data for all existing ESI maps within the UTC. Information on species status, occurrences and distributions will be collected through (1) a literature review of wildlife studies conducted along the UTC, (2) review and data-mining of existing databases on various fauna such as the Texas Colonial Waterbird Database, and (3) meetings with biologists and resource managers from various preserves, refuges and management areas along the UTC.

His team will also perform a Gap Analysis through (1) the use of geographic information system to spatially identify "gaps" in the study areas where information on sensitive fauna is lacking and, (2) identification of specific taxa that may be sensitive to oil spills but for which information is missing from a particular quad or area. This project will also provide identification of "gaps" of knowledge on species occurrence and abundance in given areas and sites within the study area that are in need of a comprehensive biological inventory. These information gaps could be filled with future oil spill research and development projects, which would improve the quality of the next generation of Texas ESI maps.



Study area for the Research and Development project funded by the Land Office.

Operation Oily Oyster

On the evening of January 5, in response to reports of sheens on the water, Texas General Land Office personnel from the agency's South Texas Coastal Zone (STCZ) descended upon Fulton Harbor, where a large fleet of seasonal oyster boats, local commercial fishing vessels and private vessels were docked. STCZ Regional Director Jimmy Martinez, Senior Response Officer (SRO)

Matt McCauley, SRO James Duenes, Advanced Response Officer (ARO) Steve Buschang and ARO Al Oswalt were joined by 18 personnel from Marine Safety Office Corpus Christi Vessel Inspections Program, Security from USCG Small Boat Station in Port Aransas, Vietnamese and Spanish interpreters from Sector Corpus Christi Intelligence Department, and Lt. Jensen and Lt. McLemore of the MSO Incident Management Division.

"Hopefully our presence here tonight will inspire the oyster fleet to police themselves and avoid future multi-agency operations," Martinez said.

At the time, the Land Office's Corpus Christi Field Office had responded to seven sheens in Fulton Harbor that were reported to the State Spill Hotline since December 14. Only one potential responsible party had been identified and associated with these events.

On the evening of January 4, a USCG Petty Officer on routine patrol witnessed a vessel discharging bilge oil into the harbor. Only when directed by the USCG did the vessel secure its bilge pumps. ARO Al Oswalt responded for the Land Office. The next morning during a follow-up visit, another sheen, of what appeared to be waste oil, was noted in the same area.

After interagency coordination a unified operation to sample all of the accessible commercial vessels in the harbor was launched in an attempt to identify the potential spiller and curtail future discharges of oily water. The 71 samples gathered from 58 vessels were processed, and shipped to the USCG Marine Safety Lab for analysis. Results were pending at the time this article was written.



GLO Regional Director Jimmy A. Martinez and USCG personnel explain the bilge sampling process before boarding a vessel.

Animal Fat Impacts Houston Ship Channel

On January 4th the Texas General Land Office Oil Spill Program's La Porte Field Office received a report of a tallow-oil spill on the Houston Ship Channel emanating from the Jacob Stern and Sons facility. The spill was due to a manway cover being removed on a 250,000-gallon tank full of tallow. Tallow oil is essentially animal fat and is used in a wide array of manufactured products. Approximately 15,000 gallons of product entered the Houston



Animal fat-filled streets and drainage ditches in Houston after a hatch was opened releasing the product.

Ship Channel, closing the Turning Basin for 48 hours. The spill was cleaned by Garner Environmental, which was contracted by the responsible party. Responding to the spill were Senior Response Officer Craig Cook and Response Officers Kim Kackley and Susan Kelly. Regional Director Richard Arnhart acted as the Public Information Officer for the Land Office. The U.S. Coast Guard and EPA both responded due to having jurisdiction over different aspects of the spill. The cleanup was completed in a week and normal operations resumed in the area.



Senior Response Officer Craig Cook watches animal fat "icebergs" during cleanup operations.

GLO Wildlife Trailers



Wildlife Rehabilitators from Tri-State Bird Rescue and Research care for a white pelican during the Deepwater Horizon response.

On May 6, personnel from the Texas General Land Office Oil Spill Program loaded up their Wildlife Rehabilitation and Wildlife Husbandry trailers and headed to Gulfport, Miss. to help the response to the Deepwater Horizon oil spill. The trailers were used to establish a wildlife center until more permanent arrangements could be made. While in Gulfport, the trailers helped triage and rehabilitate approximately 125 oiled birds.

Once a permanent center was established in Gulfport the trailers moved to Venice, La. It was determined that a forward triage center was needed and the Land Office's Wildlife Rehabilitation trailer would meet that need, allowing the Wildlife Husbandry trailer to be returned to its home base in La Porte. While the Wildlife Rehabilitation trailer was in Venice, approximately 100 oiled birds were processed through the forward triage center. With the end of the spill a forward triage center was no longer needed, and on October 7 the Wildlife Rehabilitation trailer was back at its home base.

With wildlife being a shared resource on the Gulf Coast, the Land Office was proud to assist neighboring states by deploying its highly specialized trailers.

Texas General Land Office Oil Spill Division Points of Contact

Austin

P.O. Box 12873
Austin, Texas
78711-2873
512-475-1575

Port Arthur

2300 Highway 365, Ste. 340
Nederland, Texas
77627-6255
409-727-7481

La Porte

11811 North D Street
La Porte, Texas
77571-9135
281-470-6597

Corpus Christi

6300 Ocean Drive, Ste. 2425
Corpus Christi, Texas
78412-5599
361-825-3300

Brownsville

2145 EMS Lane
Brownsville, Texas
78521-2666
956-504-1417

Port Lavaca

414 Travis Street
Port Lavaca, Texas
77979-2351
361-552-8081

Report oil spills
1-800-832-8224
24 hours

The Responder is published by the Texas General Land Office. Questions and comments may be submitted to Maren Harding via e-mail at maren.harding@glo.texas.gov or by phone at 281-470-6597.

Helpful Hints

GulfSafe is the only offshore "One Call" damage prevention and notification system designed for state and federal waters. GulfSafe—which functions much like the "Call Before You Dig" service onshore—serves state waters in Texas, Louisiana, Mississippi, Alabama, the Straits of Florida and the Gulf of Mexico Outer Continental Shelf (OCS). For more information on this system please contact Rich Tyler at GulfSafe, LLC by phone at 281-793-0738 or by e-mail at richtyler@me.com.

Upcoming Events

Information Transfer Meetings

will be held in June in the Brownsville and Port Lavaca areas. Please see the Land Office website (www.glo.texas.gov) for more information.

OSPRA Award Nominations

Applications for 2010 OSPRA Awards are here. Deadline for nominations is May 3, 2011. For an application, visit the Land Office website.

Clean Gulf 2011

will be held in San Antonio at the Henry B. Gonzalez Convention Center from November 30-December 1. Vendor space is limited and filling up quickly so reserve your space soon. Visit www.cleangulf.org, or contact Land Office Outreach and Education Coordinator Debbie Saenz at debbie.saenz@glo.texas.gov or by phone at 512-475-1466, or Event Planner Kayla Appelt at kaylaa@tradefair.org or by phone at 713-343-1869.